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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,951	01/06/2006	Kwang-chul Choi	P29108	3579
7055	7590	09/19/2007	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				CHOI, JACOB Y
ART UNIT		PAPER NUMBER		
		2885		
NOTIFICATION DATE			DELIVERY MODE	
09/19/2007			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)
	10/563,951	CHOI, KWANG-CHUL
	Examiner	Art Unit
	Jacob Y. Choi	2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 April 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-8 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 06 January 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>27 April 2006</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on April 27, 2006 was partially considered by the examiner.

Note: The information disclosure statement filed April 27, 2006 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because documents "JP 52-034131" and "JP 9-902631" do not include relevant date. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Specification

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Response to Amendment

4. Examiner acknowledges that applicant has filed preliminary amendment amending claims 1-5 and newly adding claims 6-8. Currently, claims **1-8** are pending in the application.

Claim Objections

5. Claims **1-8** are objected to because of the following informalities: The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims.

See MPEP § 608.01(m).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims **1-8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "well-known mirror surface plating" and "well-known transparent static electricity preventive materials" in claims 1, 4, 5, 7, and 8 are a relative term which renders the claim indefinite. The term " well-known mirror surface plating " and "well-known transparent static electricity preventive materials" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Note: Claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

Things clearly shown in reference patent drawing qualify as prior art features, even though unexplained by the specification. *In re Mraz*, 173 USPQ 25 (CCPA 1972).

It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

9. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kochanowski (USPN 6,029,382).

Regarding claim 1, Kochanowski discloses a light reflecting body (e.g., 300, 304, 312) formed with a cube inside of the light reflecting body (e.g., column 12, lines 40-55;

"... the additional reflecting means in back member 304, sign 300 is quite conspicuous during nighttime when an automobile headlight does illuminate sign 300" in a longitudinal direction (e.g., Figure 13), and formed with inclined surface (e.g., 312) for closing front and rear ends of the cube at the front and rear ends (e.g., Figure 12), mirror like light reflecting plate formed on a bottom surface (e.g., column 12, lines 40-55; "... the additional reflecting means in back member 304, sign 300 is quite conspicuous during nighttime when an automobile headlight does illuminate sign 300") and lateral sides of the cube and plated by the well-known mirror surface plating (e.g., column 10, lines 15-35; "... use of fluorescent pigments in support member 309, side wall 308, face member 302, and/or back member 304 adds to the conspicuity of sign 300"), a light reflecting tape attached on the inclined surface or fluorescent paint coated on the inclined surface (e.g., column 10, lines 15-35; "... it can be used to excited the fluorescent pigment to do specific tasks, including ... light up the outline of the entire sign"), and a transparent (e.g., column 9, lines 40-50; "... side wall 308 and support member 309 are transparent") cover (e.g., 308, 301, 302) installed on an upper side of the light reflecting body for covering a space defined by the cube the front and rear inclined surface (e.g., Figures 11-12).

Kochanowski fail to specify the reverse trapezoidal valley.

However, clearly suggest in column 12, lines 30-40; "... face member 302 is formed from plastics that have good optical properties, such as polycarbonates or acrylics, to create specific messages having a desired shape".

It would have been obvious to one having ordinary skill in the art at the time the invention was made to shape the housing of Kochanowski differently, since the courts have stated that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947). Also, it has been held by the courts that a change in shape or configuration, without any criticality, is nothing more than one of numerous shapes (e.g., Abstract; "... *sign can be of any shape or color and provides superior light reflection at night*"') that one of ordinary skill in the art will find obvious to provide based on the suitability for the intended final application.

See *In re Dailey*, 149 USPQ 47 (CCPA 1976). It appears that the disclosed device would perform equally well shaped as disclosed by Kochanowski.

Note: A recitation of the intended use (e.g., "a road guardrail") of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Regarding claim 2, Kochanowski discloses the cube is provided with a plurality of protrusions (e.g., Figures 13-18) protruded from the bottom surface thereof.

Regarding claim 3, Kochanowski discloses the light reflecting body is provided with an inserting protrusions (e.g., Figures 16-18) at a side thereof, and is formed with an inserting recess in which the inserting protrusions of adjacent another light reflector is inserted, at the other side of the light reflecting body.

Regarding claim 4, Kochanowski discloses an upper surface of the transparent (e.g., column 9, lines 40-50; "... *side wall 308 and support member 309 are transparent*"') cover (e.g., 308, 301, 302) is coated with a well-known transparent static

electricity preventive materials (e.g., column 10, lines 15-35; “*... Side wall 308, as well as support member 309, face member 302 and back member 304, can be provided with an exterior finish such that they can also act as light pipes 311 to ignite the optical prescriptions*”).

Regarding claim 5, Kochanowski discloses the light reflecting body is provided with an inserting protrusion (e.g., Figures 16-18) at a side thereof, and is formed with an inserting recess in which the inserting protrusion of adjacent another light reflector is inserted, at the other side of the light reflecting body.

Regarding claim 7, Kochanowski discloses an upper surface of the transparent cover is coated with a well-known transparent static electricity preventive materials (e.g., column 10, lines 15-35; “*... Side wall 308, as well as support member 309, face member 302 and back member 304, can be provided with an exterior finish such that they can also act as light pipes 311 to ignite the optical prescriptions*”).

Regarding claim 8, Kochanowski discloses an upper surface of the transparent cover is coated with a well-known transparent static electricity preventive materials (e.g., column 10, lines 15-35; “*... Side wall 308, as well as support member 309, face member 302 and back member 304, can be provided with an exterior finish such that they can also act as light pipes 311 to ignite the optical prescriptions*”).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mohacsi (USPN 6,964,507) – sign illumination system

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y. Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jacob Y Choi
Examiner
Art Unit 2885

JC

